



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

AO
att: Environmental
Justice

NOV 16 2017

Ref: 17-F-1173

MEMORANDUM FOR NATIONAL FREEDOM OF INFORMATION OFFICER
U.S. ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE, NW (2822T)
WASHINGTON, DC 20460

SUBJECT: Freedom of Information Act Request Referral – Graham Kates

The attached Freedom of information Act request and responsive documents, totaling 297 pages, are forwarded for your review and direct response to the requester. The responsive documents were identified by the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment as responsive to the request. It has been determined the documents are of primary interest to your office and under your purview. We have notified the requester of this referral in our attached final response. The action closes this FOIA request in our office.

The Office of the Secretary of Defense (OSD) has reviewed these documents. OSD defers to your organization for final release determination. Additionally, our office has no objection to the release of its component's names and emails. However, OSD have noted recommendations for redactions pursuant to 5 U.S.C. § 552(b)(5), which pertains to certain inter- or intra-agency communications protected by the deliberative process privilege.

If you have any questions, please contact the action officer assigned to this request, Christine Dickinson at christine.m.dickinson.ctr@mail.mil or 571-372-0482.

for Adrienne R. Santos
Stephanie L. Carr
Chief

Attachments:
As stated



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

NOV 16 2017

Ref: 17-F-1173

Graham Kates
DEPT MR 39232
411A Highland Ave
Somerville, MA
02144-2516

Dear Mr. Kates:

This is the final response to your June 27, 2017, Freedom of Information Act (FOIA) request, a copy of which is attached for your convenience. We received your request on June 27, 2017, and assigned it case number 17-F-1173.

The Office of the Assistant Secretary of Defense for Energy, Installations, and Environment (EI&E), a component of the Office of the Secretary of Defense (OSD), conducted a search of their records systems and provided the enclosed documents, totaling 15 pages, determined to be responsive to your request. John F. Seibert, Assistant for Safety and Health, an Initial Denial Authority for EI&E, has determined that information which has been redacted from the documents are exempt from release pursuant to 5 U.S.C. § 552(b)(5), which pertains to certain inter- or intra-agency communications protected by the deliberative process privilege.

In addition, after reviewing the remaining responsive documents, we have determined 24 documents, totaling 297 pages are under the cognizance of the U.S. Environmental Protection Agency (EPA). As the EPA operates its own FOIA office, your request and remaining responsive documents have been further referred to the EPA for their review and direct response to you. If you should have any questions regarding the processing of these documents, you may contact the EPA directly at the following address:

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.

This closes your request in our FOIA Office. If you are not satisfied with this response, you may contact our OSD FOIA Public Liaison, Jim Hogan, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil. Also, please note that the Office of Government Information Services (OGIS) offers services to requesters who have disputes with Federal agencies. You

may contact OGIS if you have concerns about the processing of your request. Their contact information is provided below:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may use the OSD FOIA request portal at <http://pal.whs.mil/palMain.aspx> or email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case number 17-F-1173 in any appeal correspondence.

If you have any questions about the foregoing or need further assistance, please do not hesitate to contact, the Action Officer assigned to your request, Christine Dickinson at christine.m.dickinson.ctr@mail.mil or 571-372-0428.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie L. Carr".

Stephanie L. Carr
Chief

Enclosures:
As stated

17-F-1173

JUN 27 2017

June 27, 2017
Department of Defense, Office of the Secretary of Defense
Office of the Secretary of Defense
OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All emails, memorandums or reports that reference the "Interagency Working Group on Environmental Justice" or "EJ IWG", produced during the year 2016, and between January 1, 2017 and June 25, 2017.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Graham Kates

Filed via MuckRock.com
E-mail (Preferred): 39232-00887318@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 39232
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
